

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) ABAB, INC., and	)	
(2) AHMAD BAHREINI,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. CIV-20-134-HE
	)	
(1) CITY OF MIDWEST CITY,	)	
(2) HEATHER POOLE,	)	
(3) CHRISTINE BRAKEFIELD,	)	
(4) DEREK COLQUITT, and	)	
(5) DUANE HELMBERGER,	)	
	)	
Defendants.	)	

**AGREED MOTION FOR ENTRY OF FINAL JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 58(a), Plaintiffs ABAB, Inc. and Ahmad Bahreini, as well as Defendants City of Midwest City, Heather Poole, Christine Brakefield, Derek Colquitt and Duane Helmberger (hereinafter collectively referred to as “the parties”) jointly move this Court for the entry of final judgment in this case. In support, the parties state as follows:

1. On February 10, 2020, Plaintiff ABAB, Inc. (“ABAB”) and Plaintiff Ahmad Bahreini (“Bahreini”) (collectively “Plaintiffs”) filed this lawsuit in the District Court of Oklahoma County, State of Oklahoma. *See* Doc. No. 1-1.
2. On September 1, 2020, this Court entered an Order dismissing the federal “official capacity” claims against Poole, Brakefield, Colquitt and Helmberger.

*See* Doc. No. 23. And, in the same Order, this Court dismissed the state law claims against Brakefield, Colquitt and Helmberger. *Id.*

3. On March 25, 2021, this Court ruled that:

(a) “Colquitt was sued only in his official capacity and ha[d] previously been dismissed[.]”;

(b) Brakefield was entitled to summary judgment as to the procedural due process claims, substantive due process claims and the takings claim;

(c) Poole was entitled to summary judgment as to the procedural due process claims, substantive due process claims, state law tort claims and the takings claim;

(d) Helmberger was entitled to summary judgment as to the procedural due process claims, substantive due process claims, equal protection claim and the takings claim; and

(e) The City of Midwest City (“MWC”) was entitled to summary judgment as to the substantive due process claims. *See* Doc. No. 73.

4. After the Court’s rulings set forth above, the claims which remained for adjudication on the merits before a duly empaneled jury were -

(a) Equal protection against Christine Brakefield;

(b) Equal protection against Heather Poole; and

(c) Equal protection, procedural due process and takings against MWC.

5. The jury was empaneled on October 25, 2021 and Plaintiffs rested their case on October 26, 2021.
6. Following the close of Plaintiffs' evidence, Defendants Poole, Brakefield and MWC moved for judgment as a matter of law under Federal Rule of Civil Procedure 50. This Court then granted judgment as a matter of law to Poole, Brakefield and MWC as to the equal protection claims.

Therefore, the parties respectfully request the following -

- a. Entry of a final judgment in favor of Heather Poole as to any and all claims asserted against her, including any claims for punitive damages;
- b. Entry of a final judgment in favor of Christine Brakefield as to any and all claims asserted against her, including any claims for punitive damages;
- c. Entry of a final judgment in favor of Derek Colquitt as to any and all claims asserted against him, including any claims for punitive damages;
- d. Entry of a final judgment in favor of Duane Helmberger as to any and all claims asserted against him, including any claims for punitive damages; and
- e. Entry of a final judgment in favor of the City of Midwest City as to any and all claims asserted against it, excluding the procedural due process claims and the takings claim, which will be dismissed with prejudice under a separate filing.

Respectfully submitted,

s/ B. Taylor Clark

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**CERTIFICATE OF SERVICE**

This is to certify that on the 1<sup>st</sup> day of November, 2021, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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